

**IN THE DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: DIRECT PURCHASER
INSULIN PRICING LITIGATION

Case No. 3:20-cv-3426-BRM-LHG

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Motion return date: May 3, 2021

NOTICE OF MOTION TO DISMISS UNDER FED. R. CIV. P. 12(B)(6)

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*Attorneys for Defendants Express Scripts Holding Company, Express Scripts
Inc., and Medco Health Solutions, Inc.*

PLEASE TAKE NOTICE that on May 3, 2021, or as soon thereafter as counsel may be heard, the undersigned counsel for the PBM Defendants¹ shall move before the Honorable Brian R. Martinotti, U.S. District Judge at the Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, to dismiss with prejudice the First Amended Class Action Complaint filed by Plaintiffs FWK Holdings, LLC and Professional Drug Company under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the PBM Defendants rely on their supporting brief filed herewith.

PLEASE TAKE FURTHER NOTICE that a proposed order granting this motion is attached hereto.

Dated: January 13, 2021

Respectfully submitted,

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¹ The PBM Defendants are OptumRx, Inc., Optum, Inc., OptumRx Holdings, LLC, United Healthcare Services, Inc., UnitedHealth Group, CVS Health Corporation, CaremarkPCS Health LLC, Caremark LLC, Caremark RX LLC, Express Scripts Holding Company, Express Scripts Inc., and Medco Health Solutions, Inc.

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